

REMARKS

Claims 40-96 were pending in the present application. In the forgoing amendments, claims 40, 42, 44, 46-49, 52, 69, 71, 74, 76-80, 87, and 93 have been amended; and claims 59-68 and 84-86 have been cancelled without prejudice and disclaimer to the subject matters disclosed herein. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added by these amendments.

Applicant wishes to express appreciation to the Examiner for the courtesies extended during telephone interviews with the undersigned. Applicants respectfully request entry of the foregoing amendments and reconsideration of the application in light of the amendments above and the remarks below.

Claim Rejections under 35 U.S.C § 103(a)

The Office action rejected claims 40, 41, 49, 50, 59, 60, 69, 70, and 76-96 as allegedly being unpatentable over U.S. Patent No. 6,526,028 (“Kondo ‘028”) in view of U.S. Patent No. 6,580,745 (“Kondo ‘745”). Applicants respectfully traverse the rejections.

Kondo ‘028 discloses that as a subscriber travels through the transition region between multiple cells, it will *receive forward link communications from both the new and original base stations only when fading is high*. When the fading (associated with the communication channels on forward link) is low, the subscriber station will receive forward link communications from only one base station to reduce interference.

Kondo ‘745 discloses using transmission power control (TPC) bit to *regulate transmission power and therefore control interference on reverse link*. Kondo ‘745 also discloses reducing reverse link interference by imposing an “origination/termination restriction.” When TPC bit indicates that the interference is greater than an allowable value, such restriction order is imposed, and mobile stations are prohibited from making connections with other base stations (e.g., see Abstract, col. 3, lines 4-24).

Neither Kondo ‘028 nor Kondo ‘745, along or in combination, teaches or suggests “...performing a handoff to the first base station if signals transmitted by the subscriber station are received by the first base station with sufficient energy...,” as recited in amended claim 40, 49, 69, 76, 80, or 87 (emphasis added). For at least these reasons, Applicants submit that claims

40, 49, 69, 76, 80, and 87 are allowable over the cited references. Applicants respectfully request that the rejections of these claims be withdrawn.

Neither Kondo '028 nor Kondo '745, along or in combination, teaches or suggests permitting a handoff according to "the messages indicating the average quality of a reverse link signal received by the one or more base stations...", as recited in claim 83. Kondo '028 or Kondo '745, along or in combination, also fails to teach or suggest permitting a handoff according to "the messages indicating a rate request of reverse link transmissions....," as recited in claim 88 or 89. (It should be noted that the section of Kondo '028 cited in the Office Action, column 26, lines 46-53, describes *how the transmission rate on forward link is related to the channel capacity and transmission power on forward link*, as opposed to using the rate request of reverse link transmissions to determine handoff, as recited in claim 88 or 89.) For at least these reasons, Applicants submit that claims 83, 88, and 89 are allowable over the cited references. Applicants respectfully request that the rejections of these claims be withdrawn.

Neither Kondo '028 nor Kondo '745, along or in combination, teaches or suggests "...prohibiting handoff to the first base station if the first base station is not receiving reverse link transmissions; and allowing handoff to the first base station if the first base station is receiving reverse link transmissions..." as recited in claim 90 or 94. For at least these reasons, Applicants submit that claim 90 and 94 are allowable over the cited references. Applicants respectfully request that the rejections of these claims be withdrawn.

Kondo '028 or Kondo '745, along or in combination, further fails to teach or suggest "...selecting the first base station for a forward link data transmission if the reverse link reception quality is above a threshold based on the message....," as recited in claim 96 (emphasis added). For at least these reasons, Applicants submit that claim 96 is allowable over the cited references. Applicants respectfully request that the rejection of claim 96 be withdrawn.

Claims 42-48, 51-58, 71-75, 77-79, 81-82, 91-93, and 95 each depend form one of independent claims 40, 49, 69, 76, 80, and 90, and are allowable as well, for at least the reasons stated above. Applicants respectfully request that the rejections of these claims be withdrawn.

Allowable Subject Matter

In the Office Action, claims 42-48, 51-58, and 71-75 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all

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of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter. In view of 42-48, 51-58, and 71-75 each dependent from one of independent claims 40, 49, and 69, they are also allowable for at least the reasons that claims 40, 49, and 69 are allowable, as stated above.

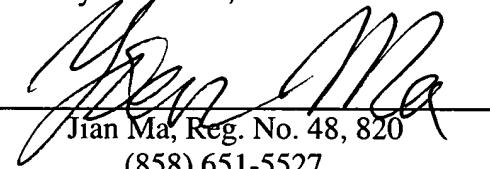
A statement of reasons for allowance was set forth by the Examiner in the Office Action. While Applicants agree that these claims are allowable for at least the reasons set forth in the Examiner's statement, Applicants submit that the invention as recited by the claims and as described in the present application is patentable over the art of record for reasons in addition to those listed in the Examiner's statement. Accordingly, Applicants reserve the right to pursue claims of different scope from those in the present application.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

By:



Jian Ma, Reg. No. 48,820

(858) 651-5527

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QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502